IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Kalu Ram. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 568/2004
against the order dated 17-5-2004 passed
by the Sessions Judge, Sri Ganganagar,
in Criminal Revision No. 120/2004.

...

Date of Order: December 18, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. G.R. Goyal, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that there is no element of cheating right from the inception of transaction.

From a perusal of the FIR, it appears that the land which the petitioner alleged to have agreed to sell to the non-petitioner by the agreement dated 5-9-1990 was under the acquisition of the Krishi Upaj Mandi Samiti, therefore, the FIR discloses this fact that the land was not free from acquisition but it was stated to the non-petitioner No.2 by the petitioner that he

is in possession of the land. Thus, prima facie, from the date of execution of the agreement, the element of cheating is present. In this view of the matter, I do not find any error or illegality in the order impugned.

The criminal miscellaneous petition is, therefore, dismissed.

(H.R. PANWAR), J.

mcs